

RESOLUTION NO. 08-7570

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA CLARA, CALIFORNIA, REZONING THE
PARCEL LOCATED AT 2800 MISSION COLLEGE
BOULEVARD, SANTA CLARA**

PLN2008-06863 (Rezone)

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, The Diocese of San Jose is the owner ("Owner") of 2800 Mission College Boulevard (APN 104-16-089) ("Property"); and

WHEREAS, the 1992 General Plan of the City of Santa Clara designates the property at 2800 Mission College Boulevard in the City of Santa Clara ("Project Site") as Institutional Use; and

WHEREAS, the Project Site is currently zoned as "A" (Agriculture); and

WHEREAS, in order to construct a parking lot on an existing vacant portion of the Property ("Project"), all as shown on the Development Plan, attached hereto and incorporated herein by reference as Exhibit A ("Development Plan"), the Project Site needs to be rezoned to "B" (Public Facility); and

WHEREAS, Owner applied for a Rezoning of the Property from A (Agricultural) to B (Public Facility); and

WHEREAS, Santa Clara City Code ("SCCC") Section 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action by the City Council; and

WHEREAS, following a noticed public hearing on September 24, 2008, for the Project approval, the Planning Commission recommended to the City Council of the City of Santa Clara that it rezone the Project Sites to "B" (Public Facility); and

WHEREAS, SCCC Section 18.112.030 requires that the City Council consider rezoning of a Property only after holding a public hearing; and

WHEREAS, SCCC Section 18.112.060 requires that notice of the public hearing be given by posting the property in at least three (3) conspicuous places at least ten (10) days prior to the hearing date; and

WHEREAS, SCCC Section 18.112.060 further requires that notice of the public hearing be given by mailing notices to property owners, as of the last assessor's roll, within three hundred (300) feet of the boundary of the Property; and

WHEREAS, notices describing the proposed rezoning were sent to neighboring property owners on October 2, 2008; and

WHEREAS, notices describing the proposed rezoning were posted at the Project Site on October 3, 2008; and

WHEREAS, the Project entitlements will include this Rezoning Resolution (collectively "Entitlements"); and

WHEREAS, the City Council finds that the identified Conditions of Approval, attached hereto and incorporated by reference as Exhibit B, have been incorporated and imposed on the Project; and

WHEREAS, the City Council has reviewed the requested rezoning of the Project Site and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That the Project Site, consisting of one lot of approximately 5.78 acres, is hereby rezoned from A (Agriculture) to B (Public Facility).
2. Pursuant to SCCC Section 18.112.010, the City Council finds and determines that the public necessity or convenience of the general welfare requires the rezonings set forth above in order to conserve property values, in that the rezoning from Agriculture to Public use unifies the church properties for assembly and church related activities; to protect or improve the existing character and stability of the area in question, in that the proposal improves the aesthetics and function of the existing undeveloped property with circulation, lighting and landscaping; and to promote the orderly and beneficial development of such area, in that the proposed rezoning allows a surface parking lot for convenient vehicle parking and safe pedestrian accessibility in proximity to church assembly and activities.
3. That, based on this Rezoning Resolution and the evidence in the City Staff Report and any oral or written testimony submitted at the hearing on this matter, the City Council hereby rezones the Project Site as set forth herein.
4. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 14TH DAY OF OCTOBER, 2008, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit A: Development Plan
2. Exhibit B: Conditions of Approval

THE R.G. KITE AND ASSOCIATES, INC.
 10000 W. 10TH AVE. SUITE 100
 DENVER, CO 80202
 (303) 751-1000
 FAX (303) 751-1001
 WWW.RGKITE.COM

R.G. KITE AND ASSOCIATES, INC.
 10000 W. 10TH AVE. SUITE 100
 DENVER, CO 80202
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Exhibit A

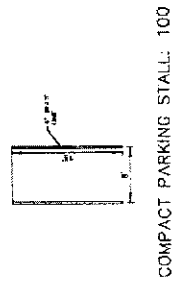
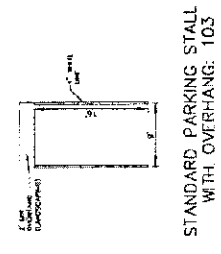
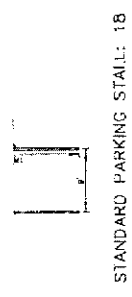
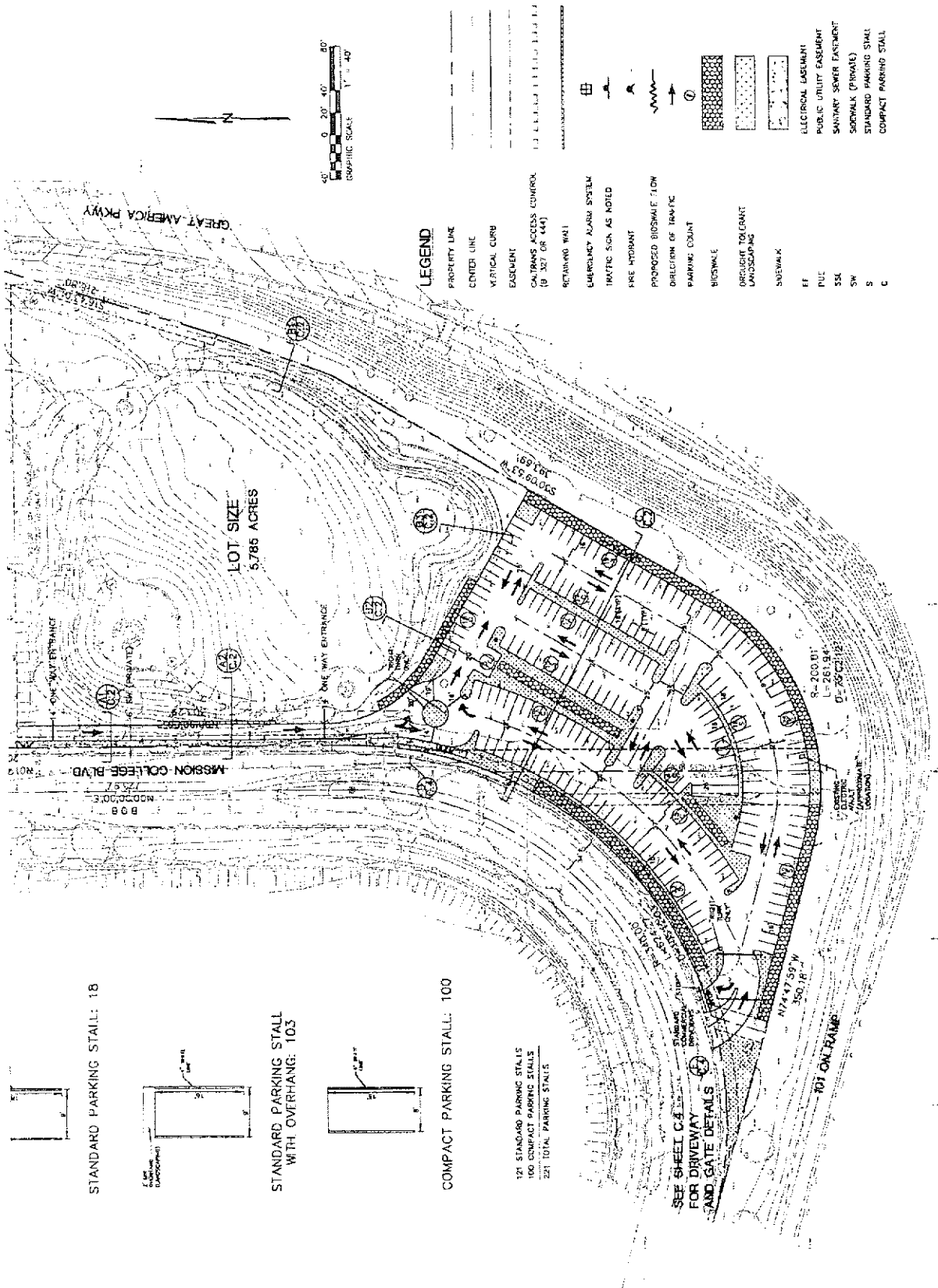
DATE: 01/11/04
 PROJECT: PARKING PLAN
 SHEET: 01/11/04
 DRAWN BY: J. KITE
 CHECKED BY: J. KITE
 DATE: 01/11/04
 PROJECT: PARKING PLAN
 SHEET: 01/11/04
 DRAWN BY: J. KITE
 CHECKED BY: J. KITE

Our Lady of Peace

2000 West 10th Ave. and
 10th Ave. Drive

CONCEPTUAL
 PARKING PLAN
 100' SCALE

C.1



121 STANDARD PARKING STALLS
 100 COMPACT PARKING STALLS
 221 TOTAL PARKING STALLS

LEGEND

- PROPERTY LINE
- CENTER LINE
- VERTICAL CURB
- EASEMENT
- CALTRANS ACCESS CONTROL (B 327 OR 444)
- RETAINING WALL
- EMERGENCY ALARM SYSTEM
- TRAFFIC SIGN AS NOTED
- FIRE HYDRANT
- PROPOSED BIODIVERSITY
- DIRECTION OF TRAFFIC
- PARKING COUNT
- BIODIVERSITY
- ORIENTED TO CORNER LANDSCAPING
- BIODIVERSITY
- FF
- PUE
- SSS
- SW
- S
- C
- ELECTRICAL EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SOCIAL (PRIVATE)
- STANDARD PARKING STALL
- COMPACT PARKING STALL

SEE SHEET C.2 FOR DRIVEWAY AND GATE DETAILS

Project No. 100-00-00-01
 Date: 08/21/2008
 Drawing No. 100-00-00-01-01
 Revision: 1

R-G
 ROTH AND GIBSON, INC.
 100-00-00-01-01



Project No. 100-00-00-01
 Date: 08/21/2008
 Drawing No. 100-00-00-01-01
 Revision: 1

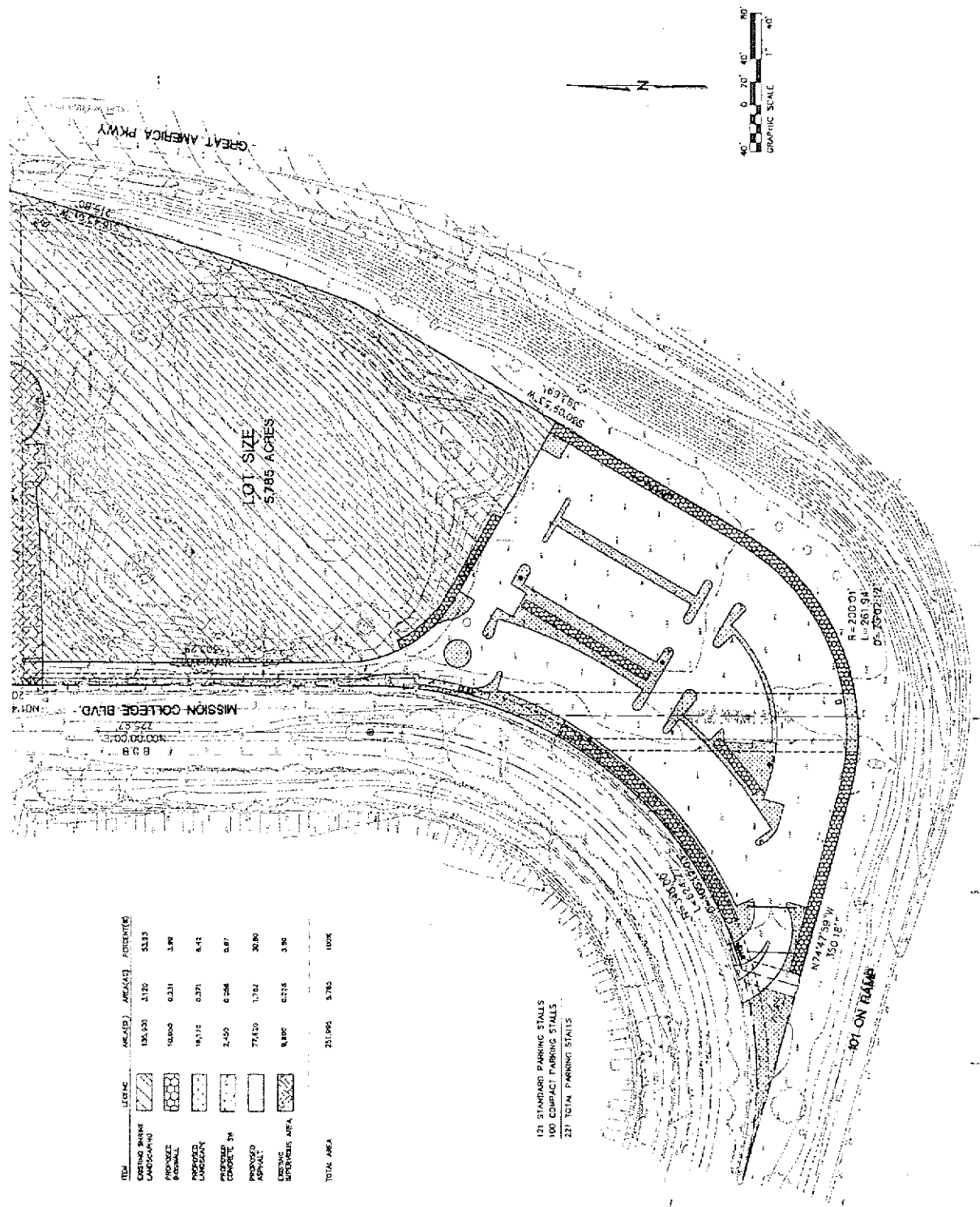
Our Lady of Peace

100-00-00-01-01-01
 Date: 08/21/2008
 Drawing No. 100-00-00-01-01-01
 Revision: 1

EXISTING AND
 PROPOSED SURFACES

Scale: 1" = 40'

C.5



ITEM	SYMBOL	AREA (SQ. FT.)	PERCENTAGE
EXISTING DRIVE	[Symbol]	13,520	2.12
PROPOSED DRIVE	[Symbol]	10,000	0.31
PROPOSED DRIVE	[Symbol]	10,110	0.31
PROPOSED DRIVE	[Symbol]	2,450	0.26
PROPOSED DRIVE	[Symbol]	77,620	1.72
PROPOSED DRIVE	[Symbol]	8,890	0.23
TOTAL AREA		231,890	5.78

121 STANDARD PARKING STALLS
 100 COMPACT PARKING STALLS
 227 TOTAL PARKING STALLS

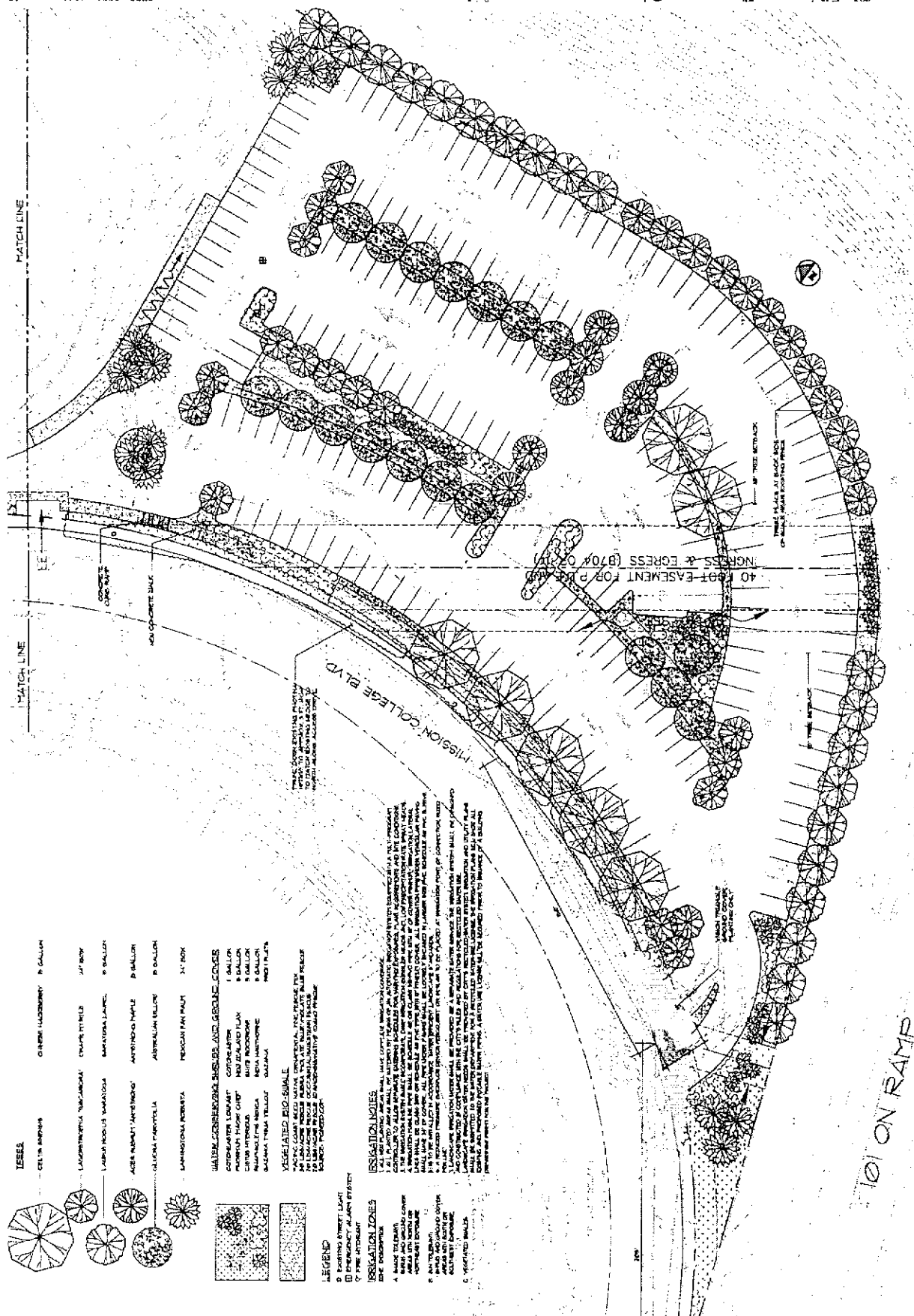


Exhibit B

Conditions of Approval

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors, it shall be included within a Single Street Opening Permit issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
4. Construct driveways in the public right-of-way to City commercial type standards. Any proposed non-standard driveway will require approval of the City Engineer and the developer's execution of an agreement to maintain the driveway.
5. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3021 for further information.
6. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.
7. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
8. Developer to provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.

9. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed public utility facilities. Trees shall not be planted in public utility easements.
10. Payment of development fees (which was deferred by City Council on 6/14/83) is required at this time. The estimated fees, as of 2/22/2008, are \$108,215 (excluding electric fee).

ELECTRIC

11. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
12. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
13. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
14. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
15. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
16. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
17. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
18. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
19. Any relocation of existing electric facilities shall be at Developer's expense.
20. Electric Load Increase fees may be applicable.

21. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
22. Electrical improvements (including underground electrical conduits on properties frontage) may be required if any private single improvement valued at \$50,000 or more or any series of private improvements made within a three-year period valued at \$50,000 or more in conjunction with a use, variance, or moving permit. Also may be required if any single private improvement valued at \$80,000 or more or any series of private improvements made within a three-year period valued at \$80,000 or more in conjunction with a building permit (Santa Clara City Code Title 17 Appendix A (Table III)).
23. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please contact Leonard Buttitta at 408-261-5469 after development of site plan, to facilitate plan review.
24. Parking lot lights shall be located outside of existing electric easement and substructures.

WATER

25. It shall be the responsibility of the owner/developer to determine if there are any water wells on the property. Unless the continued use of such well or wells is specifically permitted under City Code, and such well or wells can be demonstrated to meet all applicable sanitary standards and absent of contamination, the well or wells shall be sealed in accordance with the Standards promulgated by Santa Clara Valley Water District. A copy of the Destruction Permit issued by District, indicating that the well or wells have been properly sealed, shall be submitted to City as evidence thereof.
26. Water and sewer service shall be independent, that is, the said property shall not be connected to lines from the adjacent properties unless approved by the City Building Official.
27. Landscape irrigation water shall be provided by a separate water service(s). Irrigation system shall be designed and constructed in compliance with City's Rules and Regulations for recycled water use.

28. Landscape irrigation water needs shall be provided by City's recycled water system. Developer must submit landscape irrigation plans with utility plans to Water Department for review and for City issued recycled water use license. The irrigation plans must show all existing and proposed potable water piping. Developer must secure recycled water use license before Building Department issues a building permit for the project.

29. All on-site fire hydrants shall be part of a private system.

30. Adjust water main valve box and sanitary sewer manhole to grade.

FIRE

31. Plans and fees shall be submitted to the Fire Department for installation of the three proposed fire hydrants shown.

POLICE

32. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.

33. A Knox Box or Coded Entry System is required for Police access to enclosed parking lots and gated communities.

34. The parking structure/site should be equipped with an emergency panic alarm system that reports to a central office. If more than one button is installed, they should be placed no more than 100 ft. apart.

35. The parking structure/site should be equipped with emergency telephones.

36. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

37. The 'Parking Structure & Parking Lot Security' recommendations provided to applicant should be considered, with applicable provisions implemented.

STREET

38. Contact for all C3 requirements is Rick Mauck, Director of Street and Automotive Services Department at (408) 615-2099.

PLANNING AND INSPECTION

39. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.

40. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits.

41. All outstanding fees shall be paid prior to City Council Hearing.

42. Incorporate Best Management Practices (BMP's) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits.

43. **MM-AIR-2.1:** The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices will be implemented during construction on all sites within the project area:

- Water all active construction areas at least twice daily
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

44. **CULTURAL RESOURCES:** As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

45. **MM HYDRO-1.1:** Prior to construction of the project, the City shall require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw wattles around the perimeter of the site, regular street cleaning, and inlet protection) for

reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices,
- Sediment control practices,
- Sediment tracking control practices,
- Wind erosion control practices, and
- Non-storm water management and waste management and disposal control practices.

46. MM HYDRO-1.2: Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

47. MM HYDRO-1.3: The development shall comply with City of Santa Clara ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.

48. MM BIO: Burrowing Owls

- Pre-construction Surveys. Pre-construction surveys for burrowing owls should be conducted in potential habitat in conformance with CDFG protocols, no more than 30 days prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action would be warranted. However, if Burrowing Owls are located on or immediately adjacent to (i.e., within 250 ft of) the site the following mitigation measures will be implemented.
- Buffer Zones. If Burrowing Owls are present during the nonbreeding season (generally 1 September to 31 January), a 150-foot (ft) buffer zone should be maintained around the occupied burrow(s) if practicable. If such a buffer is not practicable, a reduced buffer is acceptable during the nonbreeding season as long as the burrow will not be directly impacted (in which case Measure 1c should be implemented). During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new activity will be permissible, will be maintained between project activities and occupied burrows. Owls present on site after 1 February will be assumed to be nesting on or adjacent to the site unless evidence indicates otherwise. This protected area will remain in effect until 31 August, or based upon monitoring evidence, until young owls are foraging independently or the nest is no longer active.
- Passive Relocation. If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the nonbreeding

season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading.